

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

MICHAEL MCCARTHY, et. al.

Plaintiffs,

-against-

CHARLES D. BAKER, et. al.,

Defendants.

) CIVIL ACTION NO.

) 1:20-cv-10701-DPW

) **DECLARATION OF WILLIAM**
) **R. BIEWENGA IN SUPPORT OF**
) **MOTION FOR INJUNCTIVE**
) **RELIEF**
)

I, William R. Biewenga, hereby declare and state the following:

1. I reside in Wellfleet, Barnstable County, Massachusetts.
2. I hold a valid LTC issued by the Commonwealth of Massachusetts.
3. I do not possess or have access to any firearms, rifles, shotguns or ammunition.
4. I wish to purchase a shotgun and ammunition to protect myself and my family should the need arise.
5. I am concerned that emergency services may become unavailable or not reliably available during the COVID-19 crisis.
6. On April 3, 2020 I contacted Cape Gun Works in Hyannis via electronic mail and asked about the availability of a Mossberg 590M 12 gauge shotgun.
7. I received a response from Toby Leary, the owner of Cape Gun Works, later that evening. He advised me that the state had shut him down and that he could not transfer a gun to me.
8. I do not personally know an individual who is willing and able to sell me a shotgun at this time.
9. I do not feel comfortable risking possible infection with the COVID-19 virus by purchasing a used shotgun from a stranger.
10. I am unable to purchase or otherwise acquire a shotgun or ammunition to defend myself and my family in my home

I declare under the penalty of perjury that the foregoing is true and correct.

Executed this 13 th day of April, 2020.



William R. Biewenga

CERTIFICATE OF SERVICE

I hereby certify that this document filed through the CM/ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants on April 14, 2020.

/s/ David D. Jensen
David D. Jensen, Esq.